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PATENT  
ATTORNEY DOCKET NO. 057309-5004-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: David PASCUAL *et al.*

Application No.: 09/068,935

Group Art Unit: 1644

Filed: November 23, 1998

Examiner: P. Gambel, Ph.D.

For: THERAPEUTIC AND DIAGNOSTIC  
AGENTS FOR THE TREATMENT OF  
MICROBIAL INFECTIONS

Commissioner of Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

MAR 01 2004

Sir:

**PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136(a)**

This is a petition for an extension of the time in the above-identified application for three months to respond to the Office Action dated August 19, 2003.

1. The extension of time requested and corresponding fee, as set forth in 37 C.F.R. §1.17(a), are checked below:

| <u>Total months requested</u>                    | <u>Fee for extension</u> | <u>[Fee for Small Entity]</u> |
|--|--------------------------|-------------------------------|
| <input type="checkbox"/> one month               | \$ 110.00                | \$ 55.00                      |
| <input type="checkbox"/> two months              | \$ 420.00                | \$210.00                      |
| <input checked="" type="checkbox"/> three months | \$ 950.00                | \$475.00                      |
| <input type="checkbox"/> four months             | \$1,480.00               | \$740.00                      |

Extension of time fee due with this request: \$ 475.00

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2. Payment

Small Entity Status is claimed and

[X] Applicants qualify as a small business concern as defined in 37 CFR 1.27 (a)(1) through (a)(3), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code.

[X] The Commissioner is hereby **authorized** to charge the three month extension of time fee in the amount of **\$475.00** to Deposit Account No. 50-0310.

3. CONSTRUCTIVE PETITION FOR EXTENSION OF TIME


[X] **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS

Dated: February 19, 2004

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